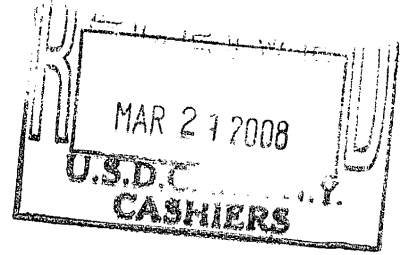


UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK



EAMES OFFICE, LLC and
MAHARAM FABRIC CORP.,
Plaintiffs

v.

EASTHILL HOTEL CORP. d/b/a
THE POD HOTEL, and
SWAVELLE/MILL CREEK FABRICS, INC.
Defendants

Civ. No. 1:08-cv-988 (LAP)

ECF CASE

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiffs Eames Office, LLC (“Eames”) and Maharam Fabric Corp. (“Maharam”), by and through their attorneys, Gravel and Shea, for their First Amended Complaint against Defendants Easthill Hotel Corp. d/b/a The Pod Hotel (“Pod”) and Swavelle/Mill Creek Fabrics, Inc. (“Swavelle”), allege as follows:

Nature of Action

1. This is an action for copyright infringement and unfair competition. After obtaining samples of Eames’s original and proprietary EAMES DOT PATTERN from Eames’s exclusive licensee, Maharam, and apparently after deciding that the price of purchasing it lawfully was too high, Pod bought a discount “knock off” of it from Swavelle, and used the pattern as a central theme of The Pod Hotel’s new interior design. Plaintiffs seek legal and

equitable relief for this outrageous act of copyright infringement (under 17 U.S.C. § 501, *et seq.*) and unfair competition (under the Lanham Act, 15 U.S.C. §1125(a)).

Parties

2. Plaintiff Eames Office, LLC is a limited liability company organized and existing under the laws of the State of California, with a principal place of business in Santa Monica, California. It is engaged in the business of communicating, preserving, and extending the legacy and work of internationally famous designers Charles and Ray Eames, whose work is on display at, among other locations, the Museum of Modern Art in New York City. Eames sells and licenses the rights to a variety of original and proprietary designs and products, including furniture, prints, films, stationery, and home accessories, including fabric designs such as the EAMES DOT PATTERN.

3. Plaintiff Maharam Fabric Corporation is a corporation organized and existing under the laws of the State of New York, with a principal place of business in Hauppauge, New York. For more than one hundred years, Maharam has been engaged in the business of selling and distributing high-end textiles for seating, upholstery, wallcoverings, and other commercial applications. Maharam is the exclusive licensee of Eames's fabrics designs, including the EAMES DOT PATTERN, for use in the contract textile market for primary applications, including upholstery, wallcovering, panel, drapery, and cubicle curtain fabrics.

4. Defendant Easthill Hotel Corp. d/b/a The Pod Hotel f/k/a Pickwick Arms ("Pod") is, upon information and belief, a New York entity with a principal place of business in New York, New York, which owns and operates a hotel located at 230 East 51st Street, New York,

New York, 10022. Vanessa Guilford ("Guilford") is an interior designer and employee of Pod, whose acts as referenced herein were on behalf of Pod, within the scope of her employment at Pod, and as an authorized agent of Pod.

5. Defendant Swavelle/Mill Creek Fabrics, Inc. is, upon information and belief, a New York corporation with a principal place of business located in New York, New York.

Jurisdiction and Venue

6. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and (b).

7. Venue lies in this district pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

Facts

8. Eames is the owner of the original fabric design called EAMES DOT PATTERN, which was created in 1947 and first published in 1999, when it was licensed to Maharam for use as, *inter alia*, upholstery and wallcoverings.

9. The EAMES DOT PATTERN was registered with the United States Copyright Office as of August 23, 2002 and February 26, 2007. (Copies of the copyright registrations are annexed hereto as **Exhibit A.**)

10. On or about October 12, 2004, Pod asked Maharam to send sample swatch fabrics for its consideration. (A copy of the Sample Order Inquiry, directed to Guilford, is annexed hereto as **Exhibit B.**) At the time, Pod and, in particular, Guilford, were working on renovating and redesigning the hotel, which was formerly known as Pickwick Arms.

11. Pod received the requested sample swatches from Maharam, including the EAMES DOT PATTERN, which contained a copyright notice indicating that the fabric design is

owned by Eames. (A copy of the EAMES DOT PATTERN swatch is annexed hereto as **Exhibit C.**)

12. Six months later, on or about April 5, 2005, Pod ordered another eight (8) yards of the EAMES DOT PATTERN in red. (A copy of the invoice is annexed hereto as **Exhibit D.**)

13. Despite reviewing and liking the EAMES DOT PATTERN, Pod did not buy any more of the EAMES DOT PATTERN from Maharam.

14. Instead, Pod purchased a “knock off” of the EAMES DOT PATTERN from Swavelle – for a substantially lower price per yard than that quoted by Maharam.

15. Swavelle manufactured or caused to be manufactured thousands of yards of a copy of the EAMES DOT PATTERN.

16. Swavelle sold to Pod thousands of yards of a copy of the EAMES DOT PATTERN.

17. In early 2007, Pod opened its doors to the public with a redesigned look using the EAMES DOT PATTERN as a central theme of the hotel. For example, Pod used the EAMES DOT PATTERN on its bedding, on its website, and on its brochures and promotional materials. *See Exhibit E.*

18. At approximately the same time, Pod issued a press release announcing its “original and surprisingly offbeat transformation” as crafted by Guilford, stating:

Guilford credits noted designers Charles and Ray Eames, the Los Angeles-based husband-and-wife design team who modernized post-war America during the 20th century, with shaping her view of what The POD HOTEL should be. To that end, she used an interpretation of their signature dot fabric, circa 1947, on guest room bedding and headboard upholstery and chose a reproduction of their 1951 metal mesh chair for guest room desk chairs, among myriad other details.

COUNT I
(Copyright Infringement Against Both Defendants)

19. Plaintiffs repeat and reallege each of the foregoing allegations as though fully set forth herein.

20. None of the foregoing uses of the EAMES DOT PATTERN Defendants were authorized by Eames or Maharam.

21. Defendants knew that the EAMES DOT PATTERN was an original and proprietary design.

22. Defendants knew that the EAMES DOT PATTERN was subject to copyright protection.

23. By virtue of the foregoing, Defendants have infringed and contributorily infringed Eames's copyright, in violation of Eames's rights as copyright owner and Maharam's rights as exclusive licensee.

24. By virtue of the foregoing, Defendants have wantonly and willfully infringed Eames's copyright, in violation of Eames's rights as copyright owner and Maharam's rights as exclusive licensee.

25. By virtue of the foregoing, Defendants have damaged Plaintiffs, and are liable in an amount to be determined at trial.

COUNT II
(Unfair Competition Against Pod)

26. Plaintiffs repeat and reallege each of the foregoing allegations as though fully set forth herein.

27. Pod has used the EAMES DOT PATTERN and the Eames name in ways that are likely to cause confusion, mistake, and deceive as to the affiliation, connection, association, origin, sponsorship and approval of Plaintiffs. For example, Pod issued a press release and produced other marketing, branding and advertising materials invoking Charles and Ray Eames, their high regard as designers, and the EAMES DOT PATTERN.

28. By virtue of the foregoing, Pod is liable for unfair competition under the Lanham Act, 15 U.S.C. § 1125(a), in an amount to be determined at trial.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants as follows:

- (a) awarding Plaintiffs for each and every act of infringement, pursuant to 17 U.S.C. § 504(a), *et seq.*, the greater of:
 - (i) actual damages and profits in an amount to be determined at trial, pursuant to 17 U.S.C. § 504(b);
 - (ii) statutory damages in the amount of \$30,000 for infringement, pursuant to 17 U.S.C. § 504(c)(1); or
 - (iii) statutory damages in the amount of \$150,000 for willful infringement, pursuant to 17 U.S.C. § 504(c)(2);
- (b) awarding Plaintiffs their full costs and reasonable attorneys' fees incurred in this action pursuant to 17 U.S.C. § 505;
- (c) enjoining Defendants from further copyright infringement and impounding all infringing items;

- (d) awarding Plaintiffs injunctive relief pursuant to 15 U.S.C. § 1116;
- (e) awarding Plaintiffs (i) treble damages; (ii) defendants' profits; and (iii) all costs of the action, including attorneys' fees, pursuant to 15 U.S.C. § 1117(a);
- (f) awarding Plaintiffs all other available compensatory and punitive damages; and
- (g) such other and further legal and equitable relief as the Court deems just and proper.

Dated: Burlington, Vermont
March 20, 2008



Andrew D. Manitsky, Esq.
Megan J. Shafritz, Esq.
Gravel and Shea
76 St. Paul Street, 7th Floor
P. O. Box 369
Burlington, VT 05402-0369
(802) 658-0220

Attorneys For Plaintiffs

Exhibit A

EXAMINED BY gsh

FORM VA

CHECKED BY gsh☒ CORRESPONDENCE
YesFOR
COPYRIGHT
OFFICE
USE
ONLY**DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.****PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

William A. Mason, IV, Esq., 76 St. Paul Street, 7th Floor, P.O. Box 369, Burlington, VT 05402-0369

Area code and daytime telephone number (802) 658-0220

Fax number (802) 658-1456

Email cmason@gravelsha.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Eames Office, LLC

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

William A. Mason

Date

04/04/07

Handwritten signature ▼

X

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

William A. Mason, IV, Esq.

Number/Street/Apt ▼

76 St. Paul Street, 7th Floor, P.O. Box 369

City/State/ZIP ▼

Burlington, VT 05402-0369

• Complete all necessary spaces
• Sign your application in space 81. Application form
2. Nonrefundable filing fee in check or money
order payable to Register of Copyrights
3. Deposit materialLibrary of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20558-6000

*17 USC §506(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 406, or in any written statement filed in connection with the application, shall be fined not more than \$2,800.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts

VA 1-398-152



EFFECTIVE DATE OF REGISTRATION

Feb. 26 2007
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of This Work ▼

Eames Dot Pattern

NATURE OF THIS WORK ▼ See instructions

Fabric Design

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. **Title of Collective Work ▼**

If published in a periodical or serial give: **Volume ▼**

Number ▼

Issue Date ▼

On Pages ▼

NAME OF AUTHOR ▼

Ray Eames

DATES OF BIRTH AND DEATH

Year Born ▼

1912

Year Died ▼

1988

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

Author's Nationality or Domicile
Name of Country

OR { Citizen of United States
Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☒ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author ▼

Dates of Birth and Death

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

Author's Nationality or Domicile
Name of Country

OR { Citizen of
Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

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☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Year in Which Creation of This Work Was Completed

1947

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month July

Day 1

Year 1999

United States

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Eames Office, LLC, 850 Pico Boulevard, Santa Monica, CA 90405

Transfer if the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

Eames Office, LLC was assigned the rights to the copyright from Lucia Eames, the sole heir of Estate of Ray Eames

APPLICATION RECEIVED

FEB 26 2007

FEB 26 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ►

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

2

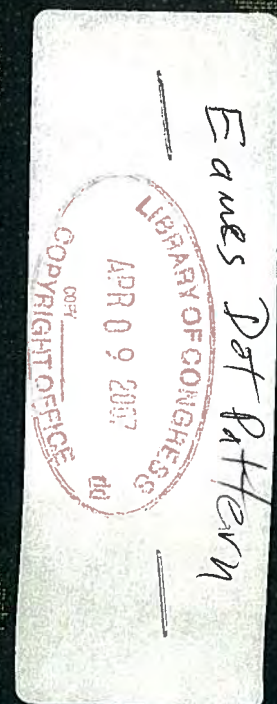
NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

3

4

See instructions before completing this space.





This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

VA 1-310-966



EF

AUG 23 2002
Month Day Year

1 TITLE OF THIS WORK ▼ NATURE OF THIS WORK ▼ See instructions

TEXTILE PATTERNS
EAMES STATIONERY COLLECTION STATIONERY BOX

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 a NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH

EAMES OFFICE Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☒ Yes ☐ No

AUTHOR'S NATIONALITY OR DOMICILE

OR { Citizen of ► U.S.A. Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing

☐ 2-Dimensional artwork ☐ Photograph ☐ Text

☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

☐ Design on sheetlike material ☒ COMPILATION

b NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

AUTHOR'S NATIONALITY OR DOMICILE

OR { Citizen of ► Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing

☐ 2-Dimensional artwork ☐ Photograph ☐ Text

☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

☐ Design on sheetlike material

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases. b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Complete this information ONLY if this work has been published.

2001 Year Month ► APRIL Day ► 1 Year ► 2002 U.S.A. Nation

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼ APPLICATION RECEIVED AUG 23, 2002 ONE DEPOSIT RECEIVED AUG 23, 2002 TWO DEPOSITS RECEIVED FUNDS RECEIVED

EAMES OFFICE
2605 MAIN STREET
SANTA MONICA CA 90405

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ►

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page
- See detailed instructions
- Sign the form at line 8

DO NOT WRITE HERE

EXAMINED BY

FORM VA

CHECKED BY

☒ CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete this space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

COMPILATION OF PREEXISTING 2-DIMENSIONAL ARTWORK-

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

CHRONIC BOOKS

DA

016071

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

BRENDA MODLISZEWSKI

CHRONIC BOOKS

85 SECOND STREET

SAN FRANCISCO CA 94105

Area Code and Telephone Number ▶ 415.537.9386

See instructions
before completing
this space.CERTIFICATION* I, the undersigned, hereby certify that I am the
check only one ▼☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

EMES OFFICE

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made
by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

BRENDA MODLISZEWSKI

Date ▶ 4/1/02

Handwritten signature (X) ▼

Brenda Modliszewski

MAIL
CERTIFI-
CATE TOCertificate
will be
mailed in
window
envelope

Name ▼

BRENDA MODLISZEWSKI CHRONIC BOOKS

Number/Street/Apt ▼

85 SECOND STREET, FLOOR 6

City/State/ZIP ▼

SAN FRANCISCO CA 94105

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS
IN THE SAME PACKAGE.

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:

Register of Copyrights
Library of Congress
Washington, D.C. 20559-6000

The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1998. Please contact the Copyright Office after July 1998 to determine the actual fee schedule.

30 sheets + 30 envelopes

Known for their classic modern furniture, architecture, films, toys, and art, Charles and Ray Eames are considered among the most visionary twentieth-century designers. In the 1940s they explored a number of textile designs, some of which are beautifully reproduced in this stationery collection. These Dot Pattern, Circles, and Crosspatch designs have recently been reissued as textiles by the Eames Office and Maharam, bringing them to a new generation.

Also available:
Eames Sketchbook and Eames Anthracite Book



www.eamesoffice.com

© 2001 Lucia Eames dba

Eames Office. All rights reserved.

"Eames Office" and the Starburst

Logo are trademarks of Lucia

Eames dba Eames Office.



CHRONICLE BOOKS

85 Second Street

San Francisco, CA 94105

www.chroniclebooks.com

Design by Lucy Kitchner
Manufactured in China

ISBN 0-8118-3340-2

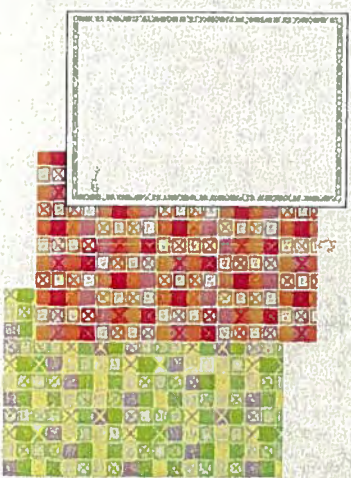
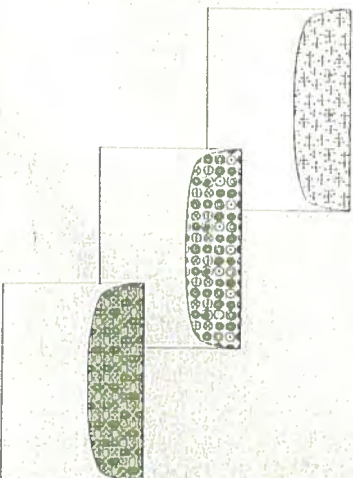
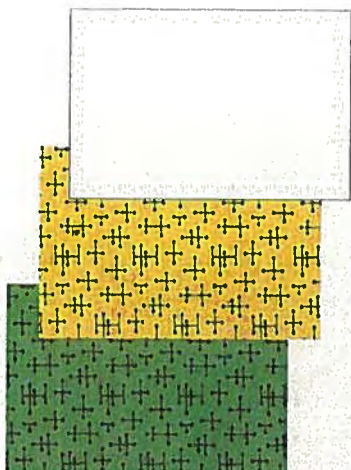
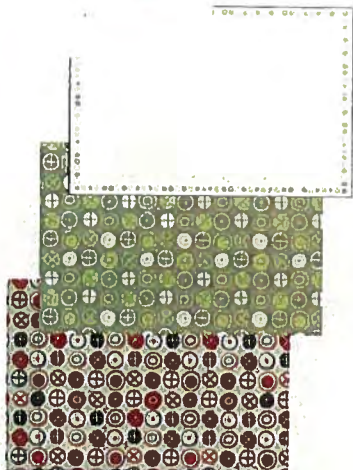


9 00000

\$14.95 U.S.



966-310-1 VA





This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE
REC VA 1-326-768
EFFECTIVE DATE OF REGISTRATION

AUG 23 2002
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼ *DOT PATTERN*
EMES KNOWN DESIGN JARNA
PREVIOUS OR ALTERNATIVE TITLES ▼ NATURE OF THIS WORK ▼ See instructions
BLANK JARNA

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 a NAME OF AUTHOR ▼ *EMES OFFICE*
DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼
Was this contribution to the work a "work made for hire"? ☒ Yes ☐ No
AUTHOR'S NATIONALITY OR DOMICILE
Name of Country OR { Citizen of ▼ *U.S.A.*
Domiciled in ▼ WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions
☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☒ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work
☐ Design on sheetlike material

b NAME OF AUTHOR ▼ DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼
Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No
AUTHOR'S NATIONALITY OR DOMICILE
Name of Country OR { Citizen of ▼ Domiciled in ▼ WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions
☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work
☐ Design on sheetlike material

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED *2001*
b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month *AUGUST* Day *1* Year *2002*
U.S.A. Nation

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼
EMES OFFICE
2605 MAIN STREET
SANTA MONICA CA 90405

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED
AUG 23 2002
ONE DEPOSIT RECEIVED
AUG 23 2002
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

EXAMINED BY

FORM VA

CHECKED BY

CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6a for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

CHRONIC BOOKS

14.21 DA

016071

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

BRENDA MODLISZEWSKI

CHRONIC BOOKS

85 SECOND STREET

SAN FRANCISCO CA 94105

Area Code and Telephone Number ▶ 415.537.9886

CERTIFICATION* I, the undersigned, hereby certify that I am the
check only one ▼☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

EMES OFFICE

of the work identified in this application and that the statements made
by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

BRENDA MODLISZEWSKI

Date ▶ 9/1/02

Handwritten signature (X) ▼
Brenda ModliszewskiMAIL
CERTIFI-
CATE TO

Name ▼

BRENDA MODLISZEWSKI, CHRONIC BOOKS

Number/Street/Apt ▼

85 SECOND STREET, PLAC 6

City/State/ZIP ▼

SAN FRANCISCO CA 94105

Certificate
will be
mailed in
window
envelope

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:

Register of Copyrights
Library of Congress
Washington, D.C. 20559-6000

The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1996. Please contact the Copyright Office after July 1995 to determine the actual fee schedule.

Exhibit B

TYPE		OPERATOR: DE JESS	CA GLA ORDER NO: 696600	INVOICE NO: 706841
SPECIFIER 28900				INV DT: 10/12/04
MINDY COLEMAN		SHIP-TO	JOSEPHINE VISALLI	
251 PARK AVENUE SOLTH		VANESSA GUILFORD INTERIOR DESIGN		
15TH FLOOR		PICKWICK		
		230 EAST 51ST STREET		
NEW YORK		NEW YORK		
NY 10010		NY 10022	US UNITED STATES	
SALESPERSON	289 MINDY COLEMAN	M/F REMARK		
SHIP VIA	002 UPS NEXT DAY	M/F REMARK		
ATTENTION	MS. VANESSA GUILFOI D	INT REMARK		
REQUESTED BY	MS. VANESSA GUILFOI D	INT REMARK		
PHONE NUMBER	718.225.6101	STATUS	I	USE RESERVE
FOB CODE	01 HAUPPAUGE	TRACER	12823W670160568755	
SOURCE	WALK IN	FREIGHT	17.25	
JOB/LOCATION	PICKWICK			

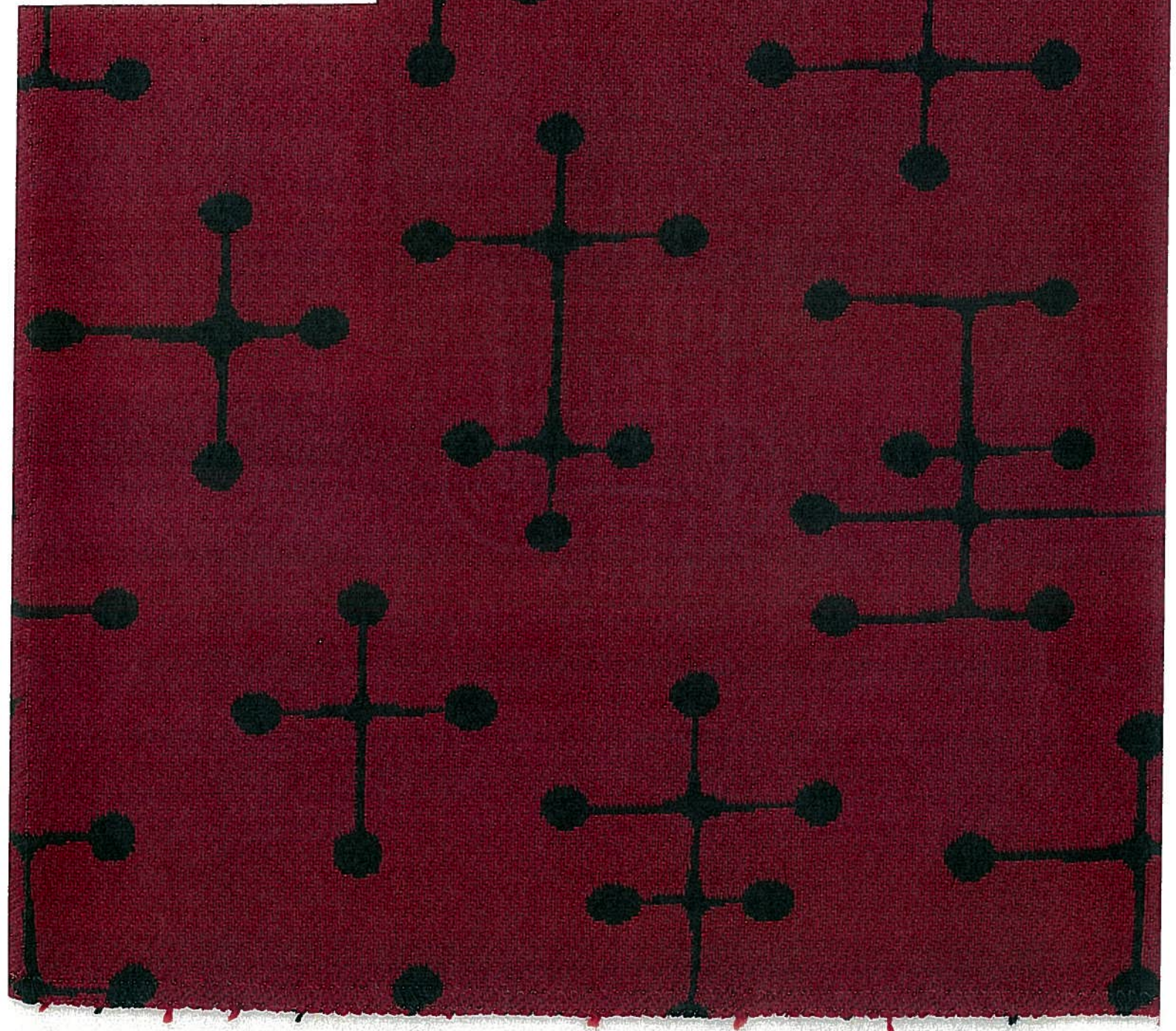
SPECIFIER: 28900 MINDY COLEMAN		ORDER: 696600	INVOICE: 706841
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SAMPLE ITEM	ORD	SHIP	B/O
M/458300/003 DOT PATTERN BROW	1	1	0
M/458300/005 DOT PATTERN NAVY	1	1	0
M/458320/005 SMALL DOT PATTERN CHARCOAL	1	1	0
M/458320/007 SMALL DOT PATTERN RED	1	1	0
M/459740/003 PAVEMENT GREY	1	1	0
M/459740/008 PAVEMENT COPPER	1	1	0
M/459740/007 PAVEMENT LODEN	1	1	0
M/459960/002 OPTIK FUCHSIA/RE	1	1	0
M/462870/004 BLUMEN LAKE	1	1	0
M/462870/005 BLUMEN ESPRESSO	1	1	0
M/462870/006 BLUMEN LODEN	1	1	0
M/463540/001 BESPOKE STRIPE NAVY (RBN)	1	1	0
M/463540/002 BESPOKE STRIPE T BACCO (RBN)	1	1	0

A/?/ <F10>=EXIT

Exhibit C

|m|a|h|a|r|a|m|



Pattern	Small Dot Pattern 458320 by Charles and Ray Eames, 1947 <i>Textiles of the 20th Century</i>
Color	007 Red
Application	Seating
Content	71% Cotton, 29% Polyester
Finish	Teflon®
Width	55"
Repeat	7 ⁵ / ₈ " V, 12 ⁷ / ₈ " H
Durability	40,000+ double rubs
Fabric design © 2000 Eames Office. A Charles and Ray Eames Design™ fabric. All rights reserved.	



Photo on reverse

maharam | 800.645.3943 maharam.com



458320007

Exhibit D



45 Rasons Court
Hauppauge, NY 11788

800.645.3943
631.582.1026 fax

Account Number
0632142
Invoice Date
04/05/05
Invoice Number
893716

Invoice

Bill To	PICKWICK HOTEL 230 EAST 51ST STREET NEW YORK NY 10022	Ship To	PICKWICK HOTEL 230 EAST 51ST STREET CONSTRUCTION SUITE 204 NEW YORK NY 10022
---------	---	---------	---

Customer Order Number	Order Number	Terms	Ship Via
PWSAMPLE22	806837	CR CARD	UPS GROUND

Quantity Billed	U/M	Item Number		Unit Price	Total
2.00	YD	462560-006	LETTERS AQUA	76.00	152.00
8.00	YD	458320-007	SMALL DOT PATTERN RED	65.00	520.00
JOB NAME: PICKWICK HOTEL					

Please Remit to: Maharam, P.O Box 5937 Hauppauge, NY 11788 For speed of processing your payment, please indicate the Invoice Number on your remittance advice/check. - If prices or terms are not correctly stated on invoice, return to us at once for correction - All claims must be made within 30 days after invoice date. - No allowance made after goods are cut. - Continuing guaranty under the textiles fiber products identification act filed with the federal trade commission. - No returns allowed without prior authorization	Shipping and Handling
	\$16.68
	Sales Tax
	\$59.40
Total Due	
\$748.08	

Exhibit E



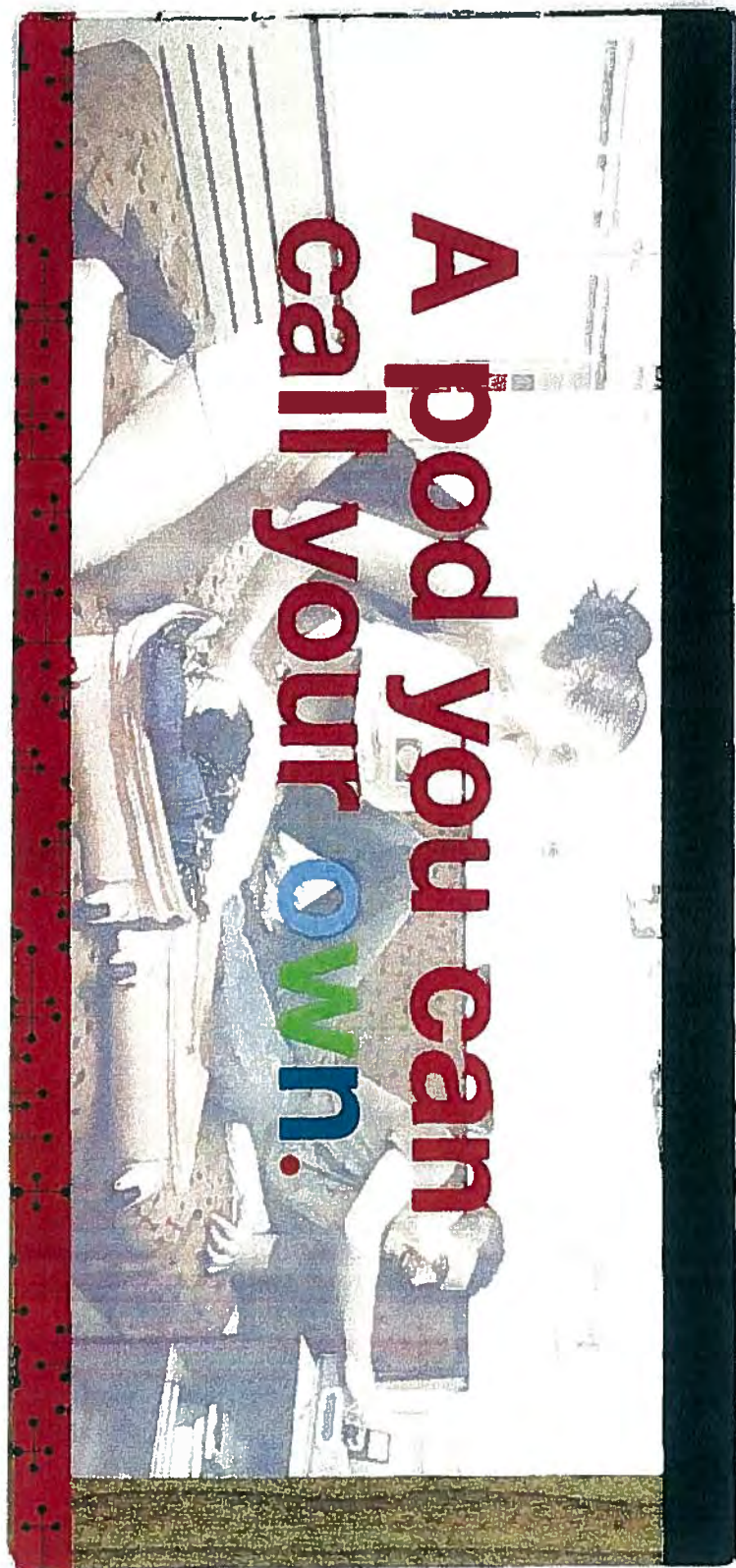
SLEEP TIGHT.

Your Pod

There's a Pod for every person, and an endless range of possibilities. You can set your music and your mood with our iPod docking stations, plug into the Internet with free WiFi access, and catch your favorite shows on LCD TVs. Each Pod is fully air-conditioned and equipped with efficient, stylish furniture that's designed to maximize your comfort and your living space.

It's your Pod. Make the most of it.

To make a reservation visit www.thepodhotel.com





Double

- Double-bed sleeps 2
- Comfortable workspace
- 15" LCD TV, iPod docking station
- Open closet + built-in storage
- Luxurious private bath
- Free WiFi

Bunk

- Two bunked twin beds
- Comfortable workspace
- Two 102" LCD TVs, iPod docking station
- Open closet
- Stainless steel kitchen
- Free WiFi

www.thepodhotel.com

STAY HAPPY.

Beyond Your Pod

Step out of your Pod and discover PodCulture. Kick back and relax in our modish lobby, grab a bite to eat at our restaurant, or soak up the city from above on our beautiful rooftop garden. Plug into the Pod community before you even arrive on our customized PodBlog. Swap stories, trade literaries and ideas, and get to you know your fellow Pod mates.

Because great minds travel alike.

To make a reservation visit www.thepodhotel.com

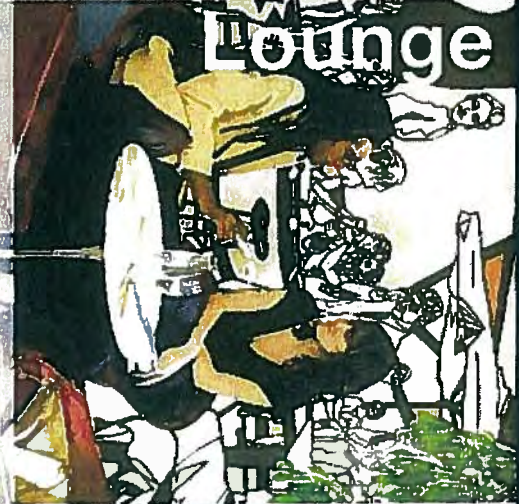
Restaurant

Le Bateau-Lyre
Visit Le Bateau-Lyre, an authentic French bistro that's located on the ground floor of the hotel.



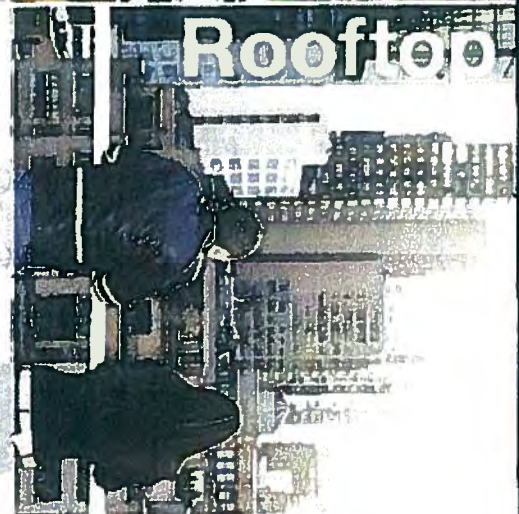
Lounge

Lounge
Opens summer 2007. Our F&B lounge offers a modern setting with a backdrop by Jim Rizzi.

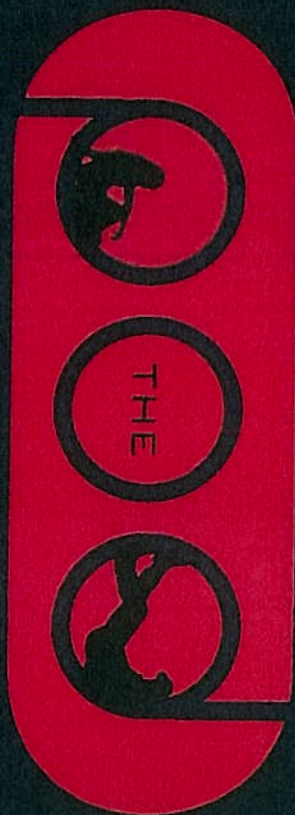


Rooftop

Rooftop
Hang out on our comfy cushions and watch the sunset from our rooftop deck.



SLEEP TIGHT. STAY HAPPY.



H O T E L

230 Egan St. Street
Between 2nd & 3rd Ave
NYC, NY 10022

P 212.333.0500
F 212.333.0028
Toll Free U.S. 800.769.3848

www.thepodhotel.com